

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6868

BILL NUMBER: HB 1122

NOTE PREPARED: Jan 1, 2012

BILL AMENDED:

SUBJECT: Trafficking with Inmate or Child.

FIRST AUTHOR: Rep. Eberhart

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes bringing a controlled substance, deadly weapon, or cellular telephone or other wireless or cellular communications device into a penal facility or juvenile facility without the prior authorization of the person in charge of the penal facility or juvenile facility a Class C felony.

The bill makes a technical correction.

Effective Date: July 1, 2012.

Explanation of State Expenditures: The bill enhances the penalty for trafficking with an inmate from a Class A misdemeanor to a Class C felony when it involves a controlled substance, deadly weapon, or cellular telephone. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail.

A Class C felony is punishable by a prison term ranging between 2 and 8 years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$18,836 in FY 2011. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,591 in FY 2011. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000,

while the maximum fine for a Class C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

Fiscal Analyst: Chuck Mayfield, 317-232-4825.